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In re Application of :
Love et al. :
Application No. 10/089,276 :
PCT No.: PCT/AU00/00919 :
Int. Filing Date: 02 August 2000 : COMMUNICATION
Priority Date: 30 September 1999 :
Atty. Docket No.: CU-2882 RJS :
For: Single Mode Optical :
Waveguide Fibre :

This is in response to "Response To Decision On Papers Under 37 CFR 1.42" filed on 31 March 2003, which is being treated under 37 CFR 1.42.

DISCUSSION

On 28 January 2003, a Decision according status under 37 CFR 1.42 and relating to papers filed on 18 July 2002 was mailed to counsel. That decision stated in part that

Review of the copy of the declaration filed on 03 June 2002 reveals that it is unclear whether joint inventors John Love, David Thorncraft, Ronald Bailey, Simon Fleming, Mark Sceats, Leon Poladian, Thomas Ryan and Peter Krug signed complete declarations, since the declarations bearing their signatures do not include page 7 of 7.

Counsel now urges that "the five Declarations submitted on July 18, 2002 meet the formality requirements of the Office" because "only the Declaration executed by Jane Lange as executrix on behalf of Michael Lange included the added page 7 for her signature" and, referring to the Declarations signed by the other joint inventors, "The added page 7 was not included in these Declarations as the information regarding the executrix was not available at the time of submitting the documents to the aforesaid inventors for signature. Unfortunately however the page numbering thereon was not corrected."

The four Declarations were defective in that the evidence of record (in the form of the paginations appearing on the bottom of each Declaration sheet) suggests that each of the four Declarations consisted of 7 sheets, but only six sheets are present in each such Declaration. Did counsel originally number the Declaration pages with the intent to include a sheet listing information for the legal representative of the deceased joint inventor, and later omit such sheet, or is there another explanation for the paginations? It is unclear whether joint inventors John Love, David Thorncraft, Ronald Bailey, Simon Fleming, Mark Sceats, Leon Poladian, Thomas Ryan and Peter Krug signed complete declarations, since the declarations bearing their signatures do not include page 7 of 7.

CONCLUSION

The application was accorded status under 37 CFR 1.42 by the Decision mailed on 28 January 2003. However, acceptance of the Declaration of the inventors filed on 03 June 2002 is **REFUSED**, without prejudice.

The Declaration filed on 03 June 2002 remains defective for the reasons explained above. Applicants are required to file a proper response within **TWO (2) MONTHS** of the mailing date of this Communication, **including a new oath or declaration of the inventors**. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT**.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.



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